

## 1971 No. 1796 (S. 190)

## LEGAL AID AND ADVICE, SCOTLAND

Act of Sederunt (Legal Aid Rules and Legal Aid Fees Amendment)  
1971

*Made* - - - - *2nd November 1971*

*Coming into Operation* *1st December 1971*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:

1. The Act of Sederunt (Legal Aid Rules) 1958(b) as amended (c) is hereby further amended by adding at the end of paragraph (1) of Rule 2 a new subparagraph in the following terms:

“(i) proceedings in the National Industrial Relations Court.”

2. The Act of Sederunt (Legal Aid Fees) 1971(d) is hereby amended as follows:

(1) Paragraph 1 shall be renumbered as paragraph 1A, and there shall be added immediately before it a new paragraph 1 as follows:

“1. The fees to be paid to a solicitor out of the Legal Aid Fund in respect of the representation of a person receiving legal aid in connection with proceedings in the National Industrial Relations Court shall be ninety per cent of the corresponding amount of fees calculated on the basis of the Tables from time to time regulating the taxation of accounts in judicial proceedings in the Court of Session.”

(2) There shall be added between paragraphs 2 and 3 a new paragraph 2A as follows:

“2A. The fees to be paid to counsel out of the Legal Aid Fund in respect of the representation of a person receiving legal aid in connection with proceedings in the National Industrial Relations Court shall be ninety per cent of the corresponding amount which would have been allowed on taxation if such representation had not been subject to the benefit of legal aid.”

(3) There shall be added between paragraphs 4 and 5 a new paragraph 4A as follows:

“4A. (1) If any question or dispute arises as to the amount payable to any solicitor or counsel in respect of any remuneration for the representation of a person receiving legal aid in connection with proceedings in the National Industrial Relations Court, the matter shall be referred for taxation by the

(a) 1967 c. 43. (b) S.I. 1958/1872 (1958 I, p. 389).

(c) S.I. 1960/2269, 1961/1549, 1971/174 (1960 I, p. 832; 1961 II, p. 3195; 1971 I, p. 530).

(d) S.I. 1971/219 (1971 I, p. 648).

Auditor of the Court of Session and the fees to be paid to the Auditor for such taxation shall be on the scale from time to time in force for taxations in the Court of Session.

“(2) A reference to the Auditor under sub-paragraph (1) hereof need not be joint but may be at the instance either of the solicitor concerned or of the Law Society of Scotland, and the Auditor shall give reasonable notice to both of the diet of taxation.

“(3) The Law Society of Scotland and any other party to a reference to the Auditor under sub-paragraph (1) hereof shall have the right to state written objections to the Court of Session in relation to the Auditor’s report within seven days of the date of issue of such report, and the Law Society of Scotland and any such other party may be heard by a Lord Ordinary in chambers thereon. Rule 349 of the Rules of the Court of Session shall apply to the determination of any such objections and hearing.”

3. This Act of Sederunt may be cited as the Act of Sederunt (Legal Aid Rules and Legal Aid Fees Amendment) 1971, and shall come into operation on 1st December 1971.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

Edinburgh,  
2nd November 1971.

*J. L. Clyde,*  
I.P.D.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt amends the Act of Sederunt (Legal Aid Rules) 1958 by making provision for proceedings in the National Industrial Relations Court to be treated as distinct proceedings for the purposes of legal aid; and amends the Act of Sederunt (Legal Aid Fees) 1971 by prescribing the fees payable out of the Legal Aid Fund to solicitors and counsel in respect of the representation of assisted persons in the National Industrial Relations Court.